

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ronald L. Smith, et al

Serial No.: 08/586,777

Filed: 12/07/1995

For: **PORTABLE COMPUTER HAVING AN INTERFACE FOR DIRECT
CONNECTION TO A MOBILE TELEPHONE**Docket No.: **TI-22187**Examiner: **Meyers, P.**Art Unit: **2781**Confirm No.: **7439****REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO
WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181(a)**Assistant Commissioner for Patents
Alexandria, VA 22313-1450**CERTIFICATION OF FAX TRANSMITTAL**I hereby certify that the above correspondence is being facsimile
transmitted to the Patents and Trademarks Office on June 11, 2003.
Elizabeth Austin

Dear Sir:

Applicants respectfully request reconsideration of the Decision on Petition to Withdraw Holding of Abandonment under 37 CFR § 1.181(a), mailed May 29, 2003, for the reasons set forth below.

REMARKS

The Office Dismissed Applicants' Petition to Withdraw Holding of Abandonment, pending further clarification and supplemental statement by the practitioner, for the following reasons:

- 1) Confusion resulting from a statement in paragraph 5 of Mr. Neerings Declaration (suggesting some Office mailing dated July 17, 2002 which was received July 26, 2002); and

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- 2) Apparent incompleteness of two computer screens for the docket record of this case – including: (a) no paper being listed with a July 2002 date; (b) the apparent entry for the BPAI decision mailed 3/8/2002 is listed as “Request for” and shows a “Response Due Date” of April 8, but omits that it was a Board decision; (c) and the abandonment appears to be listed as March 10, 2003 when in fact the abandonment had a mailing date of January 20, 2003.

Applicants respond to the above-identified issues as follows:

RESPONSE TO #1: The dates “07/17/02” and “07/26/02” are typographical errors and reflect dates having nothing whatsoever to do with the present application. In order to correct these typographical errors, Applicants submit herewith a Corrected Declaration of Ronald O. Neerings in which the above two typographical errors are replaced with the correct dates of “January 10, 2003” and “January 15, 2003”, respectively. “January 10, 2003” is the date the PTO mailed the Notice of Abandonment. “January 15, 2003” is the date Applicants received the “Notice of Abandonment”.

RESPONSE TO #2: (a) No paper is listed in the docket record of the present case with a July 2002 date because there is NO such paper. The “07/17/02” and “07/26/02” dates are typographical errors and reflect dates having nothing whatsoever to do with the present case. The correct dates are “January 10, 2003” and “January 15, 2003”, respectively;

(b) The “Request for” listed in the “Action” column is understood by Applicants’ representative to be “Request for Reconsideration of a BPAI Decision on Appeal”. The “Action Date” of “03/08/2002” on the same horizontal line represents the date the BPAI Decision on Appeal was mailed. The “Response Due Date” of “04/08/2002” on the same horizontal line (i.e., adjacent “03/08/2002”) is a date recommended to file a “Request for Reconsideration of BPAI Decision on Appeal”. On the next horizontal line down, “Appeal to federal court” is listed in the “Action” column. A “Response Due Date” of “05/08/2002” is the last date an appeal could be filed with the Federal Circuit.

(c) The second page of the docket file clearly lists “Notice of Abandonment” in the “Action” column. An “Action Date” of “01/10/2003” on the same horizontal line indicates the Notice of Abandonment was mailed by the USPTO on 01/10/2003. Applicants’ representative

understands this date to be the date of abandonment – NOT “03/10/2003”. Indeed, the “Response Due Date” of “03/10/2003” is on the same horizontal line as the term “Abandon?” in the “Action” column. The fact that there is a “?” (question mark) in “Abandon?” listed under “Action” suggests that there is some question to the relevance of the “Action” item. To Applicants representative it is a query asking if abandonment is the appropriate status of the case – if not, take some action – preferably by the date of “03/10/2003”. Moreover, the fact that the date “03/10/2003” is in the “Response Due Date” column means it is a responsive action for Applicants – not a mailing date for the PTO. Regardless of what the date “03/10/2003” actually represents, it is clear that it does not represent the date of abandonment which is correctly listed as “January 10, 2003”.

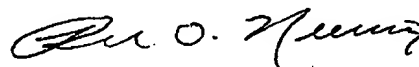
Applicants also apologize for the typographical error “May 20, 2003” in the “Request to Withdraw Notice of Abandonment” mailed by Applicants to the PTO on February 24, 2003. Applicants submit herewith a “Corrected Request to Withdraw Notice of Abandonment” listing the correct date of “May 20, 2002” as the date the Office letter was allegedly mailed.

Attorney for Applicants apologizes for any confusion caused by the typographical errors in the Request and Declaration of Ronald O. Neerings and apparent inconsistencies in the submitted copy of Applicants’ docket record. Applicants respectfully submit that this Request for Reconsideration, along with the Corrected Declaration of Ronald O. Neerings and Corrected Request to Withdraw Notice of Abandonment (submitted herewith) correct the identified typographical errors and provide further clarification and supplemental statement by the practitioner in order to confirm what was, and was not, received by the practitioner, as requested by Special Program Examiner Ballato.

In light of the above, Applicants respectfully request that the Petition be reconsidered and granted at the earliest possible date.

No additional Extension of Time or Petition fee should be required. Nevertheless, if the USPTO determines that a fee is required, please charge the fee to Deposit Account No. 20-0668.

Respectfully submitted,



Ronald O. Neerings
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Attorney for Applicants

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